

Violent Offences Prevention Orders

[Justice Act \(Northern Ireland\) 2015](#)

S. 55 Violent Offences Prevention Orders

- (1) A violent offences prevention order is an order made under section 56 or 57 in respect of a person ("D") which—
 - (a) contains such prohibitions or requirements authorised by section 59 as the court making the order considers necessary for the purpose of protecting the public from the risk of serious violent harm caused by D, and
 - (b) has effect for such period of not less than 2, nor more than 5, years as is specified in the order (unless renewed or discharged under section 60).
- (2) For the purposes of this Part any reference to protecting the public from the risk of serious violent harm caused by a person is a reference to protecting—
 - (a) the public, or
 - (b) any particular members of the public,from a current risk of serious physical or psychological harm caused by that person committing one or more specified offences.
- (3) In this Part "specified offence" means an offence for the time being listed in Part 1 of Schedule 2 to the Criminal Justice (Northern Ireland) Order 2008 (violent offences) or a relevant terrorism offence.
- (3A) In subsection (3), "relevant terrorism offence" means an offence under—
 - (a) section 54 of the Terrorism Act 2000 (weapons training);
 - (b) section 56 of that Act (directing a terrorist organisation);
 - (c) section 57 of that Act (possession of article for terrorist purposes);
 - (d) section 59 of that Act (inciting terrorism overseas);
 - (e) section 47 of the Anti-terrorism, Crime and Security Act 2001 (use etc of nuclear weapons);
 - (f) section 50 of that Act (assisting or inducing certain weapons-related acts overseas);
 - (g) section 113 of that Act (use of noxious substance or thing to cause harm or intimidate);
 - (h) section 5 of the Terrorism Act 2006 (preparation of terrorist acts);
 - (i) section 6 of that Act (training for terrorism);
 - (j) section 9 of that Act (making or possession of radioactive device or material);
 - (k) section 10 of that Act (misuse of radioactive device or material for terrorist purposes etc);
 - (l) section 11 of that Act (terrorist threats relating to radioactive devices etc).

- (4) But the offence mentioned in paragraph 7 of Part 1 of Schedule 2 to the 2008 Order (assault occasioning actual bodily harm) is not a specified offence for the purposes of sections 56(2) or (3) or 58(2) or (3) unless—
- (a) it was committed against—
 - (i) a vulnerable adult (within the meaning of Article 2(2) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007);
 - (ii) a person under the age of 18; or
 - (iii) a person living in the same household as the offender; or
 - (b) the court in sentencing the offender for the offence treated the offence as aggravated by hostility (within the meaning of Article 2 of the Criminal Justice (No. 2) (Northern Ireland) Order 2004).

S.56 Violent offences prevention order made on conviction, etc.

- (1) A court may make a violent offences prevention order in respect of D where subsection (2) or (3) applies to D and the court is satisfied that it is necessary to make such an order for the purpose of protecting the public from the risk of serious violent harm caused by D.
- (2) This subsection applies to D where the court deals with D in respect of a specified offence.
- (3) This subsection applies to D where the court deals with D in respect of a finding—
 - (a) that D is not guilty of a specified offence by reason of insanity, or
 - (b) that D is unfit to plead and has done the act charged against D in respect of such an offence.
- (4) Subsections (2) and (3) apply whether the specified offence was committed (or alleged to have been committed) before or after commencement.

S.59 Provisions that violent offences prevention orders may contain.

- (1) A violent offences prevention order may contain provisions prohibiting D from doing anything described in the order or requiring D to do anything described in the order (or both).
- (2) The only prohibitions or requirements that may be included in the order are those necessary for the purpose of protecting the public from the risk of serious violent harm caused by D.

S.64 Offenders subject to notification requirements.

- (1) References in the following provisions of this Part to an offender subject to notification requirements are references to an offender who is for the time being

subject to a violent offences prevention order or an interim violent offences prevention order which is in force under this Part.

- (2) Subsection (1) has effect subject to section 67(7) (which excludes from section 67 an offender subject to an interim violent offences prevention order).

S.65 Notification requirements: initial notification.

- (1) An offender subject to notification requirements must notify the required information to the police within the period of 3 days beginning with the date on which the violent offences prevention order or the interim violent offences prevention order comes into force in relation to the offender ("the relevant date").
- (2) The "required information" is the following information about the offender—
- (a) date of birth;
 - (b) national insurance number;
 - (c) name on the relevant date or, if the offender used two or more names on that date, each of those names;
 - (d) home address on the relevant date;
 - (e) name on the date on which the notification is given or, if the offender used two or more names on that date, each of those names;
 - (f) home address on the date on which the notification is given;
 - (g) the address of any other premises in the United Kingdom at which on that date the offender regularly resides or stays;
 - (h) any information prescribed by regulations made by the Department.
- (3) When determining the period of 3 days mentioned in subsection (1), there is to be disregarded any time when the offender is—
- (a) remanded in or committed to custody by an order of a court;
 - (b) serving a custodial sentence;
 - (c) detained in a hospital; or
 - (d) outside the United Kingdom.
- (4) In this Part "home address" means in relation to the offender—
- (a) the address of the offender's sole or main residence in the United Kingdom, or
 - (b) if the offender has no such residence, the address or location of a place in the United Kingdom where the offender can regularly be found or, if there is more than one such place, such one of them as the offender selects.

S.66 Notification requirements: changes

- (1) An offender subject to notification requirements must, within the period of 3 days beginning with the date on which any notifiable event occurs, notify to the police—
 - (a) the required new information, and
 - (b) the information mentioned in section 65(2).
- (2) A “notifiable event” means—
 - (a) the use by the offender of a name which has not been notified to the police under section 65 or this section;
 - (b) any change of the offender's home address;
 - (c) the expiry of any qualifying period during which the offender has resided or stayed at any premises in the United Kingdom the address of which has not been notified to the police under section 65 or this section;
 - (d) any prescribed change of circumstances; or
 - (e) the release of the offender from custody pursuant to an order of a court or from a custodial sentence or detention in a hospital.
- (3) The “required new information” is—
 - (a) the name referred to in subsection (2)(a),
 - (b) the new home address (see subsection (2)(b)),
 - (c) the address of the premises referred to in subsection (2)(c),
 - (d) the prescribed details, or
 - (e) the fact that the offender has been released as mentioned in subsection (2)(e), as the case may be.
- (4) A notification under subsection (1) may be given before the notifiable event occurs, but in that case the offender must also specify the date when the event is expected to occur.
- (5) If a notification is given in accordance with subsection (4) and the event to which it relates occurs more than 2 days before the date specified, the notification does not affect the duty imposed by subsection (1).
- (6) If a notification is given in accordance with subsection (4) and the event to which it relates has not occurred by the end of the period of 3 days beginning with the date specified—
 - (a) the notification does not affect the duty imposed by subsection (1), and
 - (b) the offender must, within the period of 6 days beginning with the date specified, notify to the police the fact that the event did not occur within the period of 3 days beginning with the date specified.
- (7) Section 65(3) applies to the determination of—

(a) any period of 3 days for the purposes of subsection (1), or
(b) any period of 6 days for the purposes of subsection (6),
as it applies to the determination of the period of 3 days mentioned in section 65(1).

(8) In this section—

- (a) “prescribed change of circumstances” means any change—
- (i) occurring in relation to any matter in respect of which information is required to be notified by virtue of section 65(2)(h), and
 - (ii) of a description prescribed by regulations made by the Department;
- (b) “the prescribed details”, in relation to a prescribed change of circumstances, means such details of the change as may be so prescribed.

(9) In this section “qualifying period” means—

- (a) a period of 7 days, or
- (b) two or more periods, in any period of 12 months, which taken together amount to 7 days.

S.67 Notification requirements: periodic notification.

(1) An offender subject to notification requirements must, within the applicable period after each notification date, notify to the police the information mentioned in section 65(2), unless the offender has already given a notification under section 66(1) within that period.

(2) A “notification date” means, in relation to the offender, the date of any notification given by the offender under section 65(1) or 66(1) or subsection (1).

(3) Where the applicable period would (apart from this subsection) end while subsection (4) applies, that period is to be treated as continuing until the end of the period of 3 days beginning with the date on which subsection (4) first ceases to apply.

(4) This subsection applies if the offender is—

- (a) remanded in or committed to custody by an order of a court,
- (b) serving a custodial sentence,
- (c) detained in a hospital, or
- (d) outside the United Kingdom.

(5) In this section “the applicable period” means—

- (a) in any case where subsection (6) applies, such period as may be prescribed by regulations made by the Department, and
- (b) in any other case, the period of one year.

- (6) This subsection applies if the last home address notified by the offender under section 65(1) or 66(1) or subsection (1) was the address or location of such a place as is mentioned in section 65(4)(b).
- (7) Nothing in this section applies to an offender who is subject to an interim violent offences prevention order.

S.68 Notification requirements: absence from notified residence.

- (1) This section applies to an offender subject to notification requirements at any time if the last home address notified by the offender under section 65(1), 66(1) or 67(1) was an address in Northern Ireland such as is mentioned in section 65(4)(a) (sole or main residence).
- (2) If the offender intends to be absent from that home address for a period of more than 3 days ("the relevant period"), the offender must, not less than 12 hours before leaving that home address, notify to the police the information set out in subsection (3).
- (3) The information is—
 - (a) the date on which the offender will leave that home address;
 - (b) such details as the offender holds about—
 - (i) the offender's travel arrangements during the relevant period;
 - (ii) the offender's accommodation arrangements during that period;
 - (iii) the offender's date of return to that address.
- (4) In this section—
 - "travel arrangements" include, in particular, the means of transport to be used and the dates of travel,
 - "accommodation arrangements" include, in particular, the address of any accommodation at which the relevant offender will spend the night during the relevant period and the nature of that accommodation.
- (5) Where—
 - (a) an offender has given a notification under subsection (2), and
 - (b) at any time before that mentioned in that subsection, the information notified becomes inaccurate or incomplete,the offender must give a further notification under subsection (2).
- (6) Where an offender—
 - (a) has notified a date of return to the offender's home address, but
 - (b) returns to that home address on a date other than that notified,the offender must notify the date of the offender's actual return to the police within 3 days of the actual return.

- (7) Nothing in this section requires an offender to notify any information which falls to be notified in accordance with a requirement imposed by regulations under section 69.
- (8) In calculating the relevant period for the purposes of this section there is to be disregarded—
 - (a) any period or periods which the offender intends to spend at, or travelling directly to or from, an address of the kind mentioned in section 65(2)(g) notified to the police under section 65(1), 66(1) or 67(1);
 - (b) any period or periods which the offender intends to spend at, or travelling directly to or from, any premises, if his stay at those premises would give rise to a requirement to notify the address of those premises under section 66(2)(c).

S.69 Notification requirements: travel outside the United Kingdom.

- (1) The Department may by regulations make provision with respect to offenders subject to notification requirements, or any description of such offenders—
 - (a) requiring such persons, before they leave the United Kingdom, to give in accordance with the regulations a notification under subsection (2);
 - (b) requiring such persons, if they subsequently return to the United Kingdom, to give in accordance with the regulations a notification under subsection (3).
- (2) A notification under this subsection must disclose—
 - (a) the date on which the offender proposes to leave the United Kingdom;
 - (b) the country (or, if there is more than one, the first country) to which the offender proposes to travel and the proposed point of arrival (determined in accordance with the regulations) in that country;
 - (c) any other information prescribed by the regulations which the offender holds about the offender's departure from or return to the United Kingdom, or about the offender's movements while outside the United Kingdom.
- (3) A notification under this subsection must disclose any information prescribed by the regulations about the offender's return to the United Kingdom.

S.70 Method of notification and related matters.

- (1) An offender gives a notification to the police under section 65(1), 66(1), 67(1) or 68(2) or (6) by—
 - (a) attending at any police station in Northern Ireland prescribed by regulations under section 87(1)(a) of the Sexual Offences Act 2003, and
 - (b) giving an oral notification to any police officer, or to any person authorised for the purpose by the officer in charge of the station.

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